

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CERTAIN INTERESTED
UNDERWRITERS SUBSCRIBING TO
POLICY NO. B1262P20017013,

Plaintiff,

v.

AMERICAN REALTY ADVISORS; SVF
WESTON LAKESIDE, LLC; AND DOES
1-25, INCLUSIVE,

Defendants.

NO. 5:16-CV-940-FL

SVF WESTON LAKESIDE, LLC; and
AMERICAN REALTY ADVISORS,

Plaintiffs,

v.

CERTAIN UNDERWRITERS AT
LLOYD'S OF LONDON,

Defendant.

NO. 5:17-CV-74-FL

ORDER

This matter came before the court on court-hosted telephonic conference convened February 13, 2018, with plaintiff appearing through counsel Angela Dailey, David T. Hayek, and Ellin J. Lee,¹ and defendants appearing through counsel R. Steven DeGeorge and Richard C. Worf, Jr. The court

¹ The court's docket does not reflect any notice of appearance in this attorney's name, however.

heard from counsel on defendants' pending motion to compel answers to interrogatories, (DE 114), and regarding discovery dispute pertaining to certain requests for production of documents propounded by plaintiff. Discussion of deadlines for propounding written discovery and making any motion to compel were integral to decision on both sets of issues. In this context plaintiff was heard on request for clarification of the court's January 17, 2018, text order. This order memorializes the court's oral pronouncements:

1. Defendants' motion to compel responses to interrogatories, (DE 114), is allowed. Plaintiff has 30 days from this date to serve responses to the six interrogatories at issue. Pursuant to the court's oral directive, the clerk has withdrawn referral of that motion to Magistrate Judge Gates. Each side shall bear its own costs.
2. Concerning plaintiff's protestations regarding defendants' refusal to respond to its third and fourth sets of requests for production of documents, the court compels defendants to make their responses within 30 days.
3. Plaintiff's request for clarification of this court's text order entered January 17, 2018, was met with pronouncement that order shall not be construed to permit any additional non-expert discovery separate and apart from that which may be ordered by Magistrate Judge Gates on the three motions (DE 97, 100, and 101) now pending before him. The deadline for non-expert discovery lapsed January 15, 2018, as the record reflects. Following this clarification, plaintiff voluntarily withdrew discovery requests separately propounded after the January 15, 2018, deadline.
4. The parties were advised to file appropriate motion should it appear that efficiencies may be generated by resetting deadline for mediation and/or filing of any summary

judgment motion, should it appear down the road of this case that alteration to the case schedule with respect to either of these activities may enhance the parties' focus upon settlement activities.

SO ORDERED, this the 13th day of February, 2018.



LOUISE W. FLANAGAN
United States District Judge